

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW
500 DELAWARE AVENUE
P. O. BOX 1150
WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888
FACSIMILE
302-654-2067

August 28, 2008

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 King Street
Wilmington, Delaware 19801

HAND DELIVERY

Re: *DISH Network Corporation, et al. v. TiVo Inc.*,
C.A. No. 08-327-JJF

Dear Judge Farnan:

I am Delaware counsel to the defendant, TiVo, in the above action, in which briefing on my client's motion to dismiss (D.I. 12) was completed on Monday, August 25, 2008, and in which an in-person Rule 16 conference has been scheduled to take place at 2:30 p.m. on September 11, 2008.

Pursuant to Local Rule 7.1.4, TiVo hereby respectfully requests that the Court schedule oral argument on the motion to dismiss. Since TiVo's California counsel will be attending the Rule 16 conference on September 11, TiVo further respectfully requests that, if convenient for the Court, oral argument on the motion to dismiss take place at the same time. We have requested plaintiffs' position on this issue but have not yet received their response, and in order to comply with today's deadline for requesting oral argument under the local rules, we are submitting this letter without awaiting their reaction.

Respectfully,

/s/ *Steven J. Balick*

Steven J. Balick

SJB/dmf

c: Josy W. Ingersoll, Esquire (hand delivery)
Jack B. Blumenfeld, Esquire (hand delivery)
Harold J. McElhinny, Esquire (via electronic mail)
Morgan Chu, Esquire (via electronic mail)